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13 **UNITED STATES DISTRICT COURT**
14 **DISTRICT OF NEVADA, LAS VEGAS DIVISION**
15

16 BRENT GEPHART, an individual,

17 Plaintiff,

18 vs.

19 DOUG MERRYMAN, an individual, and
20 nominal Defendant OPMNY, LLC, a Nevada
21 limited liability company,

22 Defendants.
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Case No. 2:18-cv-01670-GMN-CWH

**[PROPOSED] ORDER CONCERNING
PLAINTIFF'S EMERGENCY MOTION
FOR TEMPORARY RESTRAINING
ORDER OR PRELIMINARY
INJUNCTION**

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that the Court, after full consideration of the moving papers of Plaintiff's Emergency Motion For Temporary Restraining Order or Preliminary Injunction (Dkt. #12) (the "Motion") filed by Plaintiff BRENT GEPHART ("Plaintiff"), the and the Opposition to Plaintiff's emergency Motion for temporary Restraining Order or Preliminary Injunction (Dkt. #14), and hearing argument of counsel at a hearing held in Courtroom 7D at 2 p.m. on October 19, 2018, and good cause appearing therefor, the Court rules as follows:

1. The Court will hold an immediate hearing on Nov. 2, 2018 at 9:30 a.m./p.m. in Courtroom 7D located at the Las Vegas Courthouse, 333 Las Vegas Blvd South, Las Vegas, NV 89101 to determine whether a Preliminary Injunction should be issued pending the trial of this matter as requested in Plaintiff's Motion;

2. Until further order of the Court, a temporary restraining order is hereby issued restraining and enjoining Defendant DOUG E. MERRYMAN, in any capacity he has with respect to OPMNY, LLC ("OPMNY"), from taking any of the following actions, or causing any of the following actions to be taken either directly or indirectly through agents:

a. Transferring, licensing, encumbering, exchanging, expending, pledging, loaning, or otherwise disposing of, directly or indirectly, any of OPMNY's ownership interests in and any rights to any intellectual property including, without limitation, any source code developed for the purpose of a payment gateway;

b. Altering or deleting, including allowing the automatic alteration or deletion of, destroying, or in any way disposing of or removing any OPMNY related documents, books, or records, including electronic mail and other electronic data;

c. Entering into any transaction, the consummation of which would require the approval of or a vote by OPMNY's members;

1 d. Removing, withdrawing, transferring, encumbering, or depleting
2 any of the OPMNY revenues, income, funds, assets or rights that were obtained through
3 the business of Ploutos Holdings, LLC (“Ploutos”), other than in the ordinary course of
4 Ploutos’s s day-to-day operations;

5 e. Terminating, or altering the compensation of the following OPMNY
6 employees who are engaged in Ploutos’s business: (1) Matt Hynes, (2) Mary Caton, (3)
7 James Ho, and (4) Cameron Fist.

8 f. Transferring OPMNY’s funds in violation of card brand rules and/or
9 anti-money laundering laws and regulations;

10 g. Terminating, soliciting, or disrupting service to customers, suppliers,
11 and re-sellers under contract through Ploutos for gateway services;

12 h. Creating duplicate “OPMNY” companies;

13 i. Entering into any legally binding commitment with respect to, or
14 agreeing to do, any of the foregoing.

15 3. Until further order of the Court, a further temporary restraining order is
16 hereby issued restraining and enjoining Defendant DOUG E. MERRYMAN, his agents,
17 servants and employees, and all persons acting under, in concert with, or for him from,
18 directly or indirectly impairing, blocking, or restricting Plaintiff BRENT GEPHART's
19 access to the physical office, assets, administrative accounts, conference lines, databases
20 and software, development resources, sales and marketing resources, or financial
21 information under the control of Merryman or OPMNY, but used for the business of
22 Ploutos, or cause such access to be impaired, blocked, or restricted, including, without
23 limitation:

24 a. Any company Google accounts, websites, and domains in the name
25 of OPMNY and sued by Ploutos;

26 b. Any company bank accounts in the name of OPMNY used by
27 Ploutos;

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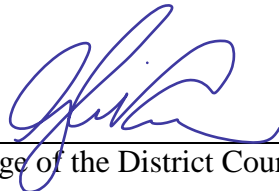
1 c. Any company credit cards in the name of OPMNY used Ploutos;
2 and/or

3 d. Any company phone systems and conference lines owned by
4 OPMNY and used by Ploutos.

5 4. Until further order of the Court, a further temporary restraining order is
6 hereby issued restraining and enjoining Defendant DOUG E. MERRYMAN, his agents,
7 servants, and employees, and all persons acting under, in concert with, or for him from,
8 directly or indirectly sending any emails purporting to be from Plaintiff BRENT
9 GEPHART.

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11 **IT IS SO ORDERED.**

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13 DATED: October 19, 2018



Judge of the District Court